

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 468**

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**Introduced by Assembly Member Ruskin**

February 20, 2007

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An act to amend Section 22710 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 468, as amended, Ruskin. Vehicles: abatement of abandoned vehicles.

Existing law authorizes a county satisfying specified conditions to establish a service authority for the abatement of abandoned vehicles and to impose a \$1 vehicle registration fee for the abatement of abandoned vehicles. The fees imposed and the moneys received by the service authority from the Abandoned Vehicle Trust Fund, a continuously appropriated fund, can only be used for the abatement, removal, and disposal of abandoned, wrecked, dismantled, or inoperative vehicles from private or public property.

This bill would *define the term "abandoned vehicle" and would authorize the service authority to use the fees imposed, as well as the moneys received from the Abandoned Vehicle Trust Fund for the abatement and removal, or the disposal of the above vehicles. The service authority would be prohibited from recovering the costs of administering and of the abatement and removal, or disposal of an abandoned vehicle if those costs are reimbursed by other programs related to vehicles. The service authority would be required to adopt an ordinance establishing procedures to ensure that costs of vehicles abated and removed, or disposed of are not reimbursed by other*

*programs. The service authority would be required to submit annually to the Department of California Highway Patrol information showing that the average cost per abandoned vehicle is reasonable within the service authority's jurisdiction. The service authority would be prohibited from carrying out an abandoned vehicle abatement unless a 10-day notice has been issued for the abandoned vehicle and that period has expired. This 10-day notice requirement would not apply under specified circumstances. The service authority would be authorized to expend for specified purposes moneys received for the abatement of abandoned vehicles that are unexpended in a fiscal year in the following fiscal year.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 22710 of the Vehicle Code is amended  
2     to read:  
3     22710. (a) A service authority for the abatement of abandoned  
4     vehicles may be established, and a one dollar (\$1) vehicle  
5     registration fee imposed, in a county if the board of supervisors  
6     of the county, by a two-thirds vote, and a majority of the cities  
7     having a majority of the incorporated population within the county  
8     have adopted resolutions providing for the establishment of the  
9     authority and imposition of the fee. The membership of the  
10    authority shall be determined by concurrence of the board of  
11    supervisors and a majority vote of the majority of the cities within  
12    the county having a majority of the incorporated population.  
13    (b) The authority may contract and may undertake any act  
14    convenient or necessary to carry out any law relating to the  
15    authority. The authority shall be staffed by existing personnel of  
16    the city, county, or county transportation commission.  
17    (c) (1) (A) Notwithstanding any other provision of law, a  
18    service authority may adopt an ordinance establishing procedures  
19    for the abatement and removal, or the disposal, as a public  
20    nuisance, of any abandoned, wrecked, dismantled, or inoperative  
21    vehicle or part thereof from private or public property; and for the  
22    recovery, pursuant to Section 25845 or 38773.5 of the Government  
23    Code, or assumption by the service authority, of costs of  
24    administration and ~~that~~ *of the costs of the voluntary and involuntary*

removal and disposal. The actual *involuntary* removal and disposal of a vehicle shall be undertaken by an entity that may be a county or city or the department, pursuant to contract with the service authority as provided in this section. *The disposal of an abandoned vehicle may be performed by the service authority or other authorized dismantler.*

*(B) The service authority shall not recover, pursuant to Section 25845 or 38773.5 of the Government Code, the costs of administration and of the abatement and removal, or disposal, of an abandoned vehicle if those costs are reimbursed by other programs related to vehicles, such as parking violations or stolen vehicles. The service authority shall adopt an ordinance establishing procedures to ensure that costs of a vehicle abated and removed, or disposed of pursuant to this section, are not reimbursed by other programs.*

~~(2) The~~ *(A) Except as provided in subparagraph (B), the money received by an a service authority pursuant to Section 9250.7 and this section shall be used only for the abatement and removal, or the disposal as a public nuisance of any an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof of the vehicle from private or public property.*

*(B) Moneys received by a service authority pursuant to Section 9250.7 and this section that are unexpended in a fiscal year may be used by the service authority in the following fiscal year for the following purposes:*

*(i) Motorist aid programs that include, but are not limited to, signal timing improvement and commute service message boards for the service authority's jurisdiction.*

*(ii) Capital purchases for the implementation of the abandoned vehicle abatement program by the service authority.*

*(C) The service authority shall establish guidelines to ensure that money expended pursuant to subparagraph (B) is related to traffic improvement and abatement of abandoned vehicles.*

*(d) (1) Except as provided in paragraph (2), a service authority shall not carry out an abandoned vehicle abatement unless a 10-day notice has been issued for the abandoned vehicle and that notice has expired.*

*(2) A service authority may carry out abandoned vehicle abatement without issuing a 10-day notice if either of the following applies:*

1 (A) *The service authority obtains a signed written release from*  
2 *either of the following:*

3 (i) *The vehicle owner authorizing the removal of, and waiving*  
4 *interest in, the vehicle that is located on public property.*

5 (ii) *The owner of private property where a vehicle is located*  
6 *authorizing the removal of the vehicle.*

7 (B) *The fair market value of the abandoned vehicle is two*  
8 *hundred dollars (\$200) or less and the abandoned vehicle lacks*  
9 *a motor, transmission, or wheels, and is incapable of being towed.*

10 ~~(d)~~

11 (e) (1) An abandoned vehicle abatement program and plan of  
12 a service authority shall be implemented only with the approval  
13 of the county and a majority of the cities having a majority of the  
14 incorporated population.

15 (2) The department shall provide guidelines for an abandoned  
16 vehicle abatement program. An authority's abandoned vehicle  
17 abatement plan and program shall be consistent with those  
18 guidelines, and shall provide for, but not be limited to, an estimate  
19 of the number of abandoned vehicles, a disposal and enforcement  
20 strategy including contractual agreements, and appropriate fiscal  
21 controls.

22 The department's guidelines provided pursuant to this paragraph  
23 shall include, but not be limited to, requiring each service authority  
24 receiving funds from the Abandoned Vehicle Trust Fund to report  
25 to the Controller on an annual basis pursuant to subdivision (c) of  
26 Section 9250.7, in a manner prescribed by the department, and  
27 pursuant to an approved abandoned vehicle abatement program.

28 (3) After a plan has been approved pursuant to paragraph (1),  
29 the service authority shall, not later than August 1 of the year in  
30 which the plan was approved, submit it to the department for  
31 review, and the department shall, not later than October 1 of that  
32 same year, either approve the plan as submitted or make  
33 recommendations for revision. After the plan has received the  
34 department's approval as being consistent with the department's  
35 guidelines, the service authority shall submit it to the Controller.

36 (4) Except as provided in subdivision (e), the Controller shall  
37 not make any allocations for a fiscal year, commencing on July 1  
38 following the Controller's determination to suspend a service  
39 authority when a service authority has failed to comply with the  
40 provisions set forth in Section 9250.7.

1 (5) A governmental agency shall not receive any funds from a  
2 service authority for the abatement of abandoned vehicles pursuant  
3 to an approved abandoned vehicle abatement program unless the  
4 governmental agency has submitted an annual report to the service  
5 authority stating the manner in which the funds were expended,  
6 and the number of vehicles abated. The governmental agency shall  
7 receive that percentage of the total funds collected by the service  
8 authority that is equal to its share of the formula calculated pursuant  
9 to paragraph (6).

10 (6) Each service authority shall calculate a formula for  
11 apportioning funds to each governmental agency that receives  
12 funds from the service authority and submit that formula to the  
13 Controller with the annual report required pursuant to paragraph  
14 (2). The formula shall apportion 50 percent of the funds received  
15 by the service authority to a governmental agency based on the  
16 percentage of vehicles abated by that governmental agency of the  
17 total number of abandoned vehicles abated by all member agencies,  
18 and 50 percent based on population and geographic area, as  
19 determined by the service authority. When the formula is first  
20 submitted to the Controller, and each time the formula is revised  
21 thereafter, the service authority shall include a detailed explanation  
22 of how the service authority determined the apportionment between  
23 per capita abatements and service area.

24 (7) Notwithstanding any other provision of this subdivision, the  
25 Controller may allocate to the service authority in the County of  
26 Humboldt the net amount of the abandoned vehicle abatement  
27 funds received from the fee imposed by that authority, as described  
28 in subdivision (b) of Section 9250.7, for calendar years 2000 and  
29 2001.

30 (8) *The service authority shall submit annually to the department*  
31 *information showing that the average cost per vehicle abated is*  
32 *reasonable in the areas within the service authority's jurisdiction.*

33 (e)

34 (f) A plan that has been submitted to the Controller pursuant to  
35 subdivision (d) may be revised pursuant to the procedure prescribed  
36 in that subdivision, including compliance with any dates described  
37 therein for submission to the department and the Controller,  
38 respectively, in the year in which the revisions are proposed by  
39 the service authority. Compliance with that procedure shall only  
40 be required if the revisions are substantial.

1     ~~(f) For purposes of this section, “abandoned vehicle abatement”~~  
2     ~~means the removal of a vehicle from public or private property by~~  
3     ~~towing or any other means after the vehicle has been marked as~~  
4     ~~abandoned by an official of a governmental agency that is a~~  
5     ~~member of the service authority.~~

6     ~~(g) As used in this section:~~

7     ~~(1) “Abandoned vehicle” means a motor vehicle that meets any~~  
8     ~~of the following conditions:~~

9     ~~(A) Missing the engine or another part necessary for operation~~  
10    ~~of the vehicle.~~

11    ~~(B) A flat tire.~~

12    ~~(C) Trash in or around the vehicle.~~

13    ~~(D) Debris in or around the vehicle.~~

14    ~~(E) Leaking automotive fluids.~~

15    ~~(F) Cobwebs around the tires.~~

16    ~~(G) A registration tag that has expired for more than six months.~~

17    ~~(H) Been left on a street or highway for a period of 72 hours~~  
18    ~~or more in violation of a local ordinance.~~

19    ~~(2) “Abandoned vehicle abatement” means the voluntary or~~  
20    ~~involuntary removal of an abandoned vehicle from public or~~  
21    ~~private property by towing or any other means after the vehicle~~  
22    ~~has been marked as abandoned by an official of a governmental~~  
23    ~~agency that is a member of a service authority. The vehicle does~~  
24    ~~not need to be made inoperable or scrapped after it has been~~  
25    ~~removed.~~

26    ~~(3) “Involuntary removal” means the removal of an abandoned~~  
27    ~~vehicle by towing or other means by an enforcement officer of a~~  
28    ~~service authority.~~

29    ~~(4) “Voluntary removal” means the removal of an abandoned~~  
30    ~~vehicle by the owner of the vehicle.~~

31    ~~(g)~~

32    ~~(h) A service authority shall cease to exist on the date that all~~  
33    ~~revenues received by the authority pursuant to this section and~~  
34    ~~Section 9250.7 have been expended.~~